

REMARKS

This Amendment is submitted in response to the Final Office Action dated October 13, 2011, having a shortened statutory period set to expire January 13, 2012. Applicants have amended claims 1, 11, 25, 30, 84 and 127 without prejudice or disclaimer to the subject matter recited therein. Reconsideration of the present case is earnestly requested in light of the following remarks.

Claim Rejections Under 35 USC §112

Claims 25-35 and 45-46 are rejected under 35 USC §112, first paragraph as failing to comply with the written description requirement. Applicants have amended Claims 25 and 30 and believe that such amendments overcome the rejection of the claims under §112.

Claim Rejections Under 35 USC §103

Claims 1-2, 4-6, 9-10, 44, 188, 25-30, 32, 45-46, 84-91 and 176-177 are rejected under 35 USC §103(a) as being unpatentable over *Singer et al.* (US 5,485,163) in view of *Muffat et al.* (European Cooperation on Dual Mode Route Guidance-Perspectives for Advanced Research Partners). Claims 7, 8 and 31 are rejected under 35 USC §103(a) as being unpatentable over *Singer* in view of *Muffat* and further in view of *Labeledz* (US 5,608,854). Those rejections are respectfully traversed and reconsideration of the claims is requested.

In response to the Examiner's comments provided on pages 2-3 of the present Office Action, Applicant respectfully submits that the Examiner has narrowly viewed the claim elements argued in Applicant's previous response and taken the elements out of context of the rest of the claim. Specifically, the Examiner focused on only five words in the claim-- "promotions offered by a business." However, Applicants had previously argued that it was the entire step of "transmitting" that was not anticipated or rendered obvious by the prior art, not just the 5 words quoted by the Examiner. Applicant disagrees with the conclusion that the step of "transmitting" is disclosed by *Muffat*.

First, Applicants point out that Claim 1 recites transmission of a "**customized message provides information.**" The Examiner has failed to explain how any message provided by *Singer* or *Muffat* is a "customized" message transmitted to the computing device. For example, the messages transmitted in the system of *Muffat* are broadcast messages that are received by all

vehicles within the transmission coverage area of the transmission tower and in no way are “customized” messages (see Fig. 2 and right col., p. 932 “Socrates will use an adapted cellular radio technique where one channel will be used for the down-link, and each cell broadcasts information to all equipped vehicles on a point-to-multipoint basis.”).

Second, Claim 1 recites that the customized message provides “**information about promotions.**” There is nothing within *Singer* or *Muffat* that describes or renders obvious the delivery of messages to the computing devices or navigation system information about any promotions offered by local business (specifically, “information about promotions offered by a business related to the geographic location of the computing device” is not transmitted). The information provided by *Muffat* at page 930, Fig. 3 and page 934 fails to show or suggest any “information about promotions” and instead merely provides information about a local business. The Examiner side-steps this clear language in the claim and argues *Muffat* generally describes a “message that relates to a business promoting goods or services of the business.” But the claim does not recite a message that merely relates to a business promoting goods or services. Instead, the claim requires that the message specifically be “**information about promotions offered by a business.**”

Third, the claim recites that the message is “**selected based on the identification information and the business.**” *Muffat* explains transmitted messages are broadcast messages transmitted to every vehicle within the coverage area of the cellular tower. “Socrates will use an adapted cellular radio technique where one channel will be used for the down-link, and each cell broadcasts information to all equipped vehicles on a point-to-multipoint basis.” (Fig. 2 and p. 932, right col.). Nothing about the messages transmitted by either *Singer* or *Muffat* are in any way selected based on both the identification of the user of the computing device or navigation system and the “business” within the geographic location of the computing device.

For at least these reasons, Applicant respectfully submits that *Muffat* in no way anticipates or renders obvious, taken individually or in combination with *Singer*, “*transmitting, via the network and access point, content to the computing device, wherein the content comprises a customized message based on the geographic location of the computing device, wherein the customized message provides information about promotions offered by a business related to the geographic location of the computing device and wherein the message is selected based on the identification information and the business, wherein the business is not the service*

provider or the user.” Applicant respectfully requests reconsideration of the rejection of Claim 1 as being unpatentable over *Singer* in view of *Muffat* under §103.

In conclusion, Applicant respectfully submits that neither *Singer et al.* nor *Muffat et al.*, nor *Labeledz*, nor any other prior art of record, taken individually or in combination, anticipates or renders obvious exemplary independent Claim 1 and the claims dependent thereon in the present application, and that therefore the rejection of those claims under §103 should be withdrawn. For the same reasons as given above with respect to independent Claim 1, Applicant submits that independent Claims 11, 25, 30, 84 and 127, and the claims dependent thereon, are similarly not anticipated or rendered obvious by *Singer et al.*, *Muffat et al.*, or *Labeledz*, or any other prior art of record, taken individually or in combination, and that the rejections of those claims under §103 should also be withdrawn.

Having now responded to each rejection set forth in the present Office Action, Applicant believes all pending claims are now in condition for allowance and respectfully request such allowance. Applicant invites the Examiner to contact the undersigned at the below listed telephone number if a telephone conference would expedite prosecution of this application.

Respectfully submitted,

/Craig J. Yudell/

Craig J. Yudell
Reg. No. 39,083
YUDELL ISIDORE NG RUSSELL PLLC
8911 N. Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANT